

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KAREN HAUGEN, P.L., a minor
child, and MAY LANSDEN,

Plaintiffs,

v.

MOLLY FIELDS, CITY OF
UNION GAP, LARRY WORDEN,
ROBERT ALMEIDA, SHAWN
JAMES, ED LEVESQUE, L.
McKINLEY, H. RIVERA, CHASE
KELLOGG, and JOHN DOES one
through five,

Defendants.

NO. CV-05-3109-RHW

**ORDER DENYING MOTION
FOR RULE 54(b)
CERTIFICATION OF PRIOR
RULING**

Before the Court is Plaintiffs' Motion for Rule 54(b) Certification of Prior Ruling Dismissing Some of Plaintiffs' Claims Against Defendant Fields, and for Order Staying Trial of Other Claims (Ct. Rec. 215). The motion was heard without oral argument.

On January 7, 2007, the court dismissed the following claims asserted against Defendant Fields: (1) Fourteenth Amendment procedural due process claims for lack of notice to the parents; (2) First Amendment retaliation claims; (3) Malicious prosecution claim; and (3) Fourteenth and Fourth Amendment claims for illegal execution of search warrant and seizure of P.L. The remaining claim against Defendant Fields is whether Plaintiff Haugen's Fourteenth Amendment rights to family integrity and association and P.L.'s Fourth Amendment rights were violated when P.L. was subject to a medical examination.

**ORDER DENYING MOTION FOR RULE 54(b) CERTIFICATION OF
PRIOR RULING ~ 1**

1 Fed. R. Civ. P. 54(b) states:

2 When an action presents more than one claim for
 3 relief--whether as a claim, counterclaim, crossclaim, or third-party
 4 claim--or when multiple parties are involved, the court may direct
 5 entry of a final judgment as to one or more, but fewer than all, claims
 6 or parties *only if the court expressly determines that there is no just*
 7 *reason for delay*. Otherwise, any order or other decision, however
 8 designated, that adjudicates fewer than all the claims or the rights and
 9 liabilities of fewer than all the parties does not end the action as to any
 10 of the claims or parties and may be revised at any time before the
 11 entry of a judgment adjudicating all the claims and all the parties'
 12 rights and liabilities.

(Emphasis added).

8 Factors the Court considers in determining whether there is no just reason
 9 for delay include: (1) consideration of the interrelationship of the claims so as to
 10 prevent piecemeal appeals in cases which should be reviewed only as single units;
 11 (2) whether the adjudicated claims were separable from the others; (3) whether the
 12 nature of the claim was such that no appellate court would have to decide the same
 13 issues more than once; and (4) whether the case is complicated or routine. *Wood v.*
 14 *GCC Bend, LLC*, 422 F.3d 873, 877 (9th Cir. 2005) (citing *Curtiss-Wright Corp. v.*
 15 *General Elec. Co.*, 446 U.S. 1 (1980)).

16 Here, the Court finds that Plaintiffs have not demonstrated that there is no
 17 just reason for delay.

18 Accordingly, **IT IS HEREBY ORDERED:**

19 1. Plaintiffs' Motion for Rule 54(b) Certification of Prior Ruling
 20 Dismissing Some of Plaintiffs' Claims Against Defendant Fields, and for Order
 21 Staying Trial of Other Claims (Ct. Rec. 215) is **DENIED**.

22 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
 23 Order and forward copies to counsel.

24 **DATED** this 11th day of September, 2008.

25 *S/ Robert H. Whaley*
 26 ROBERT H. WHALEY
 27 Chief United States District Judge

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